

Applicants respectfully disagree with the Examiner. It is urged that Busch does not exactly teach the elements of the present claims as is the requirement for a proper anticipatory reference.

The Examiner asserts that "Busch shows a financial transaction 110 connected to a wireless adaptor 112". Additionally, the Examiner states that "Busch ... shows a first wireless modem 124. Finally, the Examiner indicates that the alleged Busch "adaptor" also "... includes an audio frequency modem 126".

The element alleged by the Examiner to be a wireless adapter, i.e., element 112 of Fig. 1 of Busch is a portable credit card terminal interface. This element is removably connected to a credit card terminal and a telephone station. The telephone station can be a cellular system or a wire based telephone system (col. 4, lines 45-48). The interface includes a DC power storage device and a means for converting DC power from the storage device into AC power as well as means for transmitting AC power from the conversion means to the credit card terminal.

The interface has means for detecting signals from the credit card terminal. There are also circuits for receiving signals from the credit card terminal and circuit means for receiving telephone station verification signals. There is also a control means for controlling the conversion means and for controlling the signal receiving circuit means. The control circuit can also route signals from the credit card terminal to the telephone station and also from the telephone station to the credit card terminal.

It is respectfully suggested that element 112 of the Busch patent is not the same as or suggestive of the wireless adapter as defined and recited in the instant claims. While

the examiner asserts that element 112 converts data to a different format, this function is not described in the Busch patent disclosure.

Disagree
→ Element 124 of the Busch patent is a cellular telephone station. As shown in Fig. 1 of the Busch patent, element 124 is coupled to acoustic coupler 126. With all due respect, applicants urge that the Examiner is incorrect in characterizing element 124 as a wireless modem. The Examiner also urges that element 126 is an audio frequency modem. This is also not correct.

The acoustic coupler 126 is described at col. 7, lines 48-51 as including a speaker and a microphone which are connected to the same lines as the cellular telephone. Col. 4, lines 33-48 mentions the use of the acoustic coupler but does not describe this coupler as being an audio frequency modem.

For the above reasons, applicants respectfully urge that Busch fails as an anticipation of the present claims. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 16-27, 31-42, 46 and 47 have been rejected under 35 USC §103 as being allegedly unpatentable over Busch as applied to claims 13, 28, and 43 above further in view of common knowledge in the art.

Applicants disagree with the Examiner's position and respectfully traverse this rejection.

This rejection is, initially, based on the Examiner's reasoning with respect to the manner in which Busch was applied against claims 13, 28 and 43. For the reasons given by applicants hereinabove, it is urged that the rejection of claims 13, 28 and 43 over Busch is factually and legally incorrect. Even assuming, arguendo, that the devices

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recited in present claims 16, 17, 31, 32, 46 and 47 are known devices. This fact does not remedy the serious deficiencies of the Busch citation. Similarly, even if, arguendo, the networks recited in 18-27 and 34-42 are well known network equivalents to networks taught by Rogge as alleged by the Examiner, this fact does not justify a conclusion of prima facie obviousness.

Claims 66-68 have been rejected under 35 USC §103(a) as allegedly being unatentable over Busch as applied to claims 13, 18 and 28 above further in view of Bufferd.

This rejection is respectfully traversed by applicants.

The Examiner alleges that Busch discloses the elements of claims 13, 18 and 28 while Bufferd has been cited to show the specific element recited in claims 66-68. With all due respect, applicants urge that the Examiner is in error.

As noted hereinabove, Busch does not teach or even suggest the elements of claims 13, 18 and 28. The fact that Bufferd may teach data compression in an unrelated system does not remedy the serious deficiencies of Busch. Bufferd relates to a wireless communications system for tracking and transmitting communication information which is quite dissimilar to the portable credit card terminal interface of the Busch patent. It is not clear how the data compression shown in Bufferd could be used in the Busch interface. Applicants disagree that an artisan having skill in the pertinent art would have modified Busch to include encryption and compression.. There is no suggestion in Bufferd that the encryption and compression means shown in Bufferd could be utilized in the Busch interface as disclosed.

half is interpreted →

Reconsideration and withdrawal of this rejection is requested.

All of the pending claims have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-12 of copending application Serial No. 08/647,362.

A terminal disclaimer signed by a registered attorney of record is submitted herewith. Submission of the disclaimer is not a concession of obviousness but is simply the appropriate vehicle to overcome this non-statutory rejection.

It is believed that all of the pending claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 415-8528. The undersigned may also be contacted by e-mail at erzucidlo@morganfinnegan.com.

AUTHORIZATION

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2455-4411US1

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time

or credit any overpayment for an extension of time to Deposit Account No. 13-4500,
Order No. 2455-4411US1. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN



By: Eugene C. Rzucidlo
Reg. No. 31,900

Dated: November 2, 1998

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to" Assistant Commission For Patents, Washington, D,C, 20231, on November 2, 1998

Eugene C. Rzucidlo
Name of applicant, assignee
Or Registered Representative


Signature

November 2, 1998
Date of Signature